

**Middletown, NY** - Congressman Maurice Hinchey (D-NY) today called on the federal representative to the Delaware River Basin Commission (DRBC) to take necessary action to ensure that the agency undertakes a cumulative impact study on the effects of natural gas drilling and exploration prior to adopting regulations to govern the process and allowing gas drilling activities to proceed.

In a letter to Brigadier General Peter A. DeLuca, Commander and Division Engineer for the North Atlantic Division of the U.S. Army Corps of Engineers, Hinchey argued that it was critical for DRBC to complete a cumulative study of gas drilling activities prior to issuing final regulations or permitting individual drilling projects on a piece-by-piece basis. He noted that the DRBC has previously acknowledged the possible risks of drilling activities to the Delaware River Basin and has applied for federal funding to conduct a study, which is currently pending before the House Appropriations Committee.

"We've already seen the tragic consequences that can occur when oil and gas companies are allowed to operate with inadequate regulation and oversight," said Hinchey, explaining why he felt the letter was necessary. "Today, the local economy, the environment and the people of the Gulf of Mexico are directly paying for that mistake and will for many years to come. It is completely unrealistic to think that we can rely on industry assurances about safety and public health in activities that present such risks to drinking water and our communities. We have to investigate these risks for ourselves and then do everything possible to ensure that any drilling is done in a safe and secure manner with rules in place to protect the drinking water of families across the River Basin."

In July, Hinchey announced that he had secured approval from a key House panel of \$1 million for the U.S. Geological Survey (USGS) to conduct the study. The funding is now moving through the normal legislative process. In May, Hinchey urged DRBC Executive Director Carol Collier to conduct the study before approving water withdrawals.

The full text of Hinchey's letter to DeLuca is below.

September 9, 2010

Brigadier General Peter A. DeLuca  
Commander and Division Engineer, North Atlantic Division  
U.S. Army Corps of Engineers

302 General Lee Avenue  
Brooklyn, NY 11252

Dear General DeLuca:

I am writing to express my concerns regarding the Delaware River Basin Commission's proposed regulations for natural gas exploration and production in the Delaware River Basin. As you know, I wrote to the DRBC in April of this year urging the Commission to conduct a cumulative impact study of natural gas extraction activities on the Basin's water resources prior to considering any individual drilling permits on a case-by-case basis.

The Delaware River Basin is facing the prospect of up to 30,000 new natural gas wells in the Marcellus Shale over the coming decades, and these industrial activities have the potential to significantly and adversely impact the Special Protection Waters of the Delaware River Basin that DRBC and other state and federal agencies are charged to protect. The Commission's Executive Director rightly recognized the potential risks of these activities, previously stating, "Natural gas extraction projects in these shale formations may individually or cumulatively affect the water quality of Special Protection Waters by altering their physical, biological, chemical or hydrological characteristics." As I have stated previously, in order to inform the development of regulations for gas drilling activities in the Basin, it is vital that the cumulative impacts of the wells be fully scrutinized prior to the release of gas drilling regulations or the permitting of exploratory or production wells. The National Park Service and U.S. Fish and Wildlife Service have also communicated with the Commission recommending a comprehensive assessment.

Following my letter, the Executive Director indicated that the DRBC required additional funding to conduct the needed studies and submitted an application for Congressionally-directed funding on behalf of the DRBC to do so. I was pleased to announce in June that Congressman Rush Holt, Congressman Joe Sestak and I had secured approval from the House Appropriations Committee, the Subcommittee on Interior, Environment, and Related Agencies of \$1 million for a U.S. Geological Survey-DRBC cumulative impact study on water withdrawals for gas drilling within the Basin. While this funding requires final passage, I am hopeful and optimistic that these funds should be available in Fiscal Year 2011.

Despite this development, I understand that DRBC staff have drafted regulations governing gas drilling activities and that these proposed regulations were developed without the completion of a cumulative environmental impact study and distributed to DRBC Commissioners for comment

with an expectation that regulations can be available for public comment and adoption in the near future. As the U.S. Environmental Protection Agency is undertaking a national study of the risks of hydraulic fracturing to groundwater and funding is pending for a cumulative water impact study for the Delaware River Basin Commission, it is difficult to understand how the DRBC can consider the release of gas drilling regulations without a comprehensive assessment of the possible impacts in the Delaware River Basin. I am concerned to learn that the DRBC may be advancing with development of gas drilling regulations before it has the benefit of and information from cumulative impact studies for the Basin, particularly after my colleagues and I have worked at the request of the DRBC to obtain funding for such a study.

As I stated in my prior correspondence to the Commission, I believe it is critical that the DRBC complete a comprehensive impact study of the potential impacts of tens of thousands of new natural gas wells throughout the Basin prior to releasing gas drilling regulations or permitting any individual projects. We need to examine and fully understand the risks to the Delaware River's Special Protection Waters from land use disturbance and water use in all phases of gas exploration and development from exploratory wells to distribution pipelines in order to lessen and mitigate those risks. I therefore urge you, as the federal government's representative to the DRBC, to take necessary action to allow the cumulative impact study to take place prior to the adoption of DRBC regulations for natural gas exploration and drilling.

I appreciate your consideration and assistance in this matter. Please do not hesitate to contact me if you would like to discuss this concern in greater detail.

Sincerely,

Maurice D. Hinchey

cc:

Hon. Rush Holt

Hon. Joe Sestak

Hon. David A. Paterson

Pete Grannis, Commissioner, New York State Department of Environmental Conservation

Lt. Col. Philip M. Secrist, III, Alternate Federal Representative, DRBC

Marvin E. Moriarty, Regional Director, US Fish & Wildlife Service

Judith Enck, Regional Administrator, Region 2, U.S. Environmental Protection Agency

Shawn Garvin, Regional Administrator, Region 3, U.S. Environmental Protection Agency

Dennis Reidenbach, Northeast Regional Director, National Park Service

Carol Collier, Executive Director, Delaware River Basin Commission